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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,380	12/29/2003	Jeffrey S. Hovland	2316.1646US01	4932
7590 05/15/2006				
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER ROJAS, OMAR R	
			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,380

Applicant(s)

HOVLAND ET AL.

Examiner

Omar Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-19 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,17 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 18,19 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Response to Amendment

1. With regards to the amendment filed on February 23, 2006, all the requested changes to the claims have been entered. Claims 16-19 and 23-29 are pending.

Response to Arguments

2. Applicant's arguments filed February 23, 2006 have been fully considered but they are not persuasive.

Applicant's argument(s), see pages 5-6 of the Remarks filed February 23, 2006, are flawed for the following reasons.

First, Applicant's argument(s) specifically refer to the embodiment shown in Figures 5 and 6 of Ott. See page 5 of the Remarks. This embodiment is not the same as the embodiment shown in Figure 4 that was mentioned in the Office action mailed January 26, 2006. See pages 3-4 of the previous Office action. Therefore, most of Applicant's arguments concerning Ott do not appear relevant since they are directed to a different embodiment that was not relied upon by the Examiner in rejecting claims 16, 17, 23, and 24.

With respect to the motivation to modify Ott to include the recited adhesive tape of the claims, the Examiner refers Applicant(s) to the motivation provided on page four of the previous Office action. As stated therein, it would have been obvious to use adhesive tape in Ott in order to provide "additional securement of the dust cap 20 to the connector 42."

Thus, Applicant's arguments filed February 23, 2006 are not deemed persuasive.

Claim Rejections - 35 USC § 103

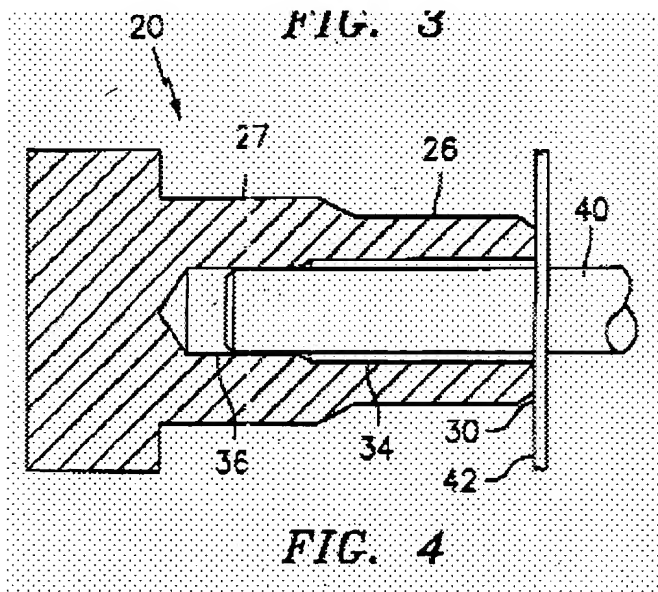
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 16, 17, 23, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,227,717 B1 to Ott et al. ("Ott")**

Regarding claims 16, 23, and 24, Ott discloses a fiber optic connector assembly (e.g., Fig. 4) comprising:

a fiber optic connector 42 mounted to an end of and terminating a fiber optic cable and a ferrule 40 holding an optical fiber from the cable, the ferrule including a end face;

a plug/dust cap 20 configured to fit about and engage the ferrule 40 of the fiber optic connector, the dust cap 20 positioned about and engaging the ferrule to seal the end face from air-borne particles. Figure 4 of Ott is reproduced below.



Regarding claim 26, the shoulder 25 of Ott corresponds to the recited finger hold.

Thus, Ott only differs from claims 16, 23, 24, and 26 in that Ott does not teach an adhesive tape/cover for holding the dust cap 20 to the connector 42, a center portion of the adhesive tape releasably attached to the dust cap 20 and first and second end portions of the adhesive tape releasably attached to the fiber optic connector 42.

However, adhesive tape is a common household item that can be purchased at many drugstores and hardware stores. As is known to the general layperson, adhesive tape is useful for releasably sticking things together (i.e., attaching a poster to a bedroom wall, for example).

In view of the Ott invention, one of ordinary skill in the art would have wanted to use releasable adhesive tape in order to provide additional securement of the dust cap 20 to the connector 42, i.e., by "sticking" them together. Wrapping the adhesive tape in the manner prescribed by claim 24 would be a simple and obvious method of better securing the dust cap 20 to the connector 42 in Ott using adhesive tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to combine adhesive tape with Ott to obtain the invention specified by claims 16, 23, 24, and 26.

Regarding claim 17, the previous remarks are incorporated herein. Ott does not expressly teach using thermoplastic elastomer but does disclose the use of a soft polymer or rubber for the dust cap (col. 4, lines 35-37). The use of a soft polymer or rubber would inherently allow the dust cap 20 to deform somewhat in order to receive the ferrule 40. Thermoplastic elastomer is a well-known conventional type of polymer/rubber. Thus, it would have been obvious to use a conventional type of soft polymer/rubber such as thermoplastic elastomer to make the dust cap

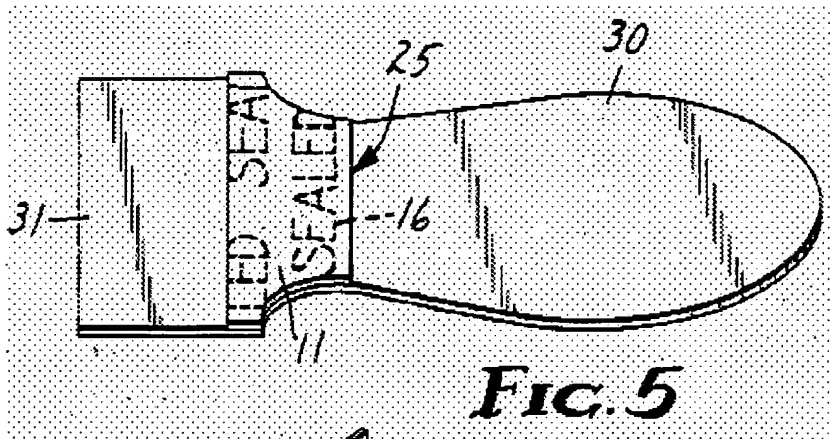
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20 of Ott. Therefore, it would have been further obvious to one of ordinary skill in the art at the time of the claimed invention to obtain the invention specified by claim 17.

Regarding claim 28, the previous remarks are incorporated herein. Claim 28 does not recited any additional structure but merely discloses an effect of applying the adhesive tape to the plug (i.e., counteracting compressed air force between the end face of the ferrule and the plug). In the Examiner's opinion, applying adhesive tape to the plug/dust cap 20 of Ott in the manner described above with respect to claims 16 and 23 would inherently achieve the same effect recited by claim 28, especially since Applicant(s) do not disclose that any particular kind of tape is used to achieve this effect. Therefore, it would have been further obvious to one of ordinary skill in the art at the time of the claimed invention to obtain the invention specified by claim 28.

5. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott applied to claims 23 and 24 above, and further in view of Patent No. 4,557,505 to Schaefer et al. ("Schaefer").

Regarding claims 25 and 27, the previous remarks above concerning Ott are incorporated herein. The invention of claims 23 and 24 has been shown to be obvious in view of Ott. Ott further differs from claims 25 and 27 in that Ott does not disclose tape having an anti-tamper feature or tape having a tail to facilitate removal as recited by claims 25 and 27, respectively. Schaefer, on the other hand, discloses an adhesive tape 25/30 having an anti-tamper feature 11/16 and a tail 31 to facilitate removal. See column 4, lines 7-28 of Schaefer. Fig. 5 of Schaefer is reproduced below.



One motivation for combining Schaefer with Ott is to provide an anti-tamper mechanism for Ott's dust cap 20. For example, if a small child were to gain access to the dust cap 20 of Ott, the child could pull off the dust cap from the ferrule 40 possibly exposing the ferrule end face to contaminants. By combining the anti-tamper adhesive tape 25/30 of Schaefer with Ott, such antics could be prevented. Therefore, it would have been obvious to one of ordinary skill at the time of the claimed invention to obtain the invention specified by claims 25 and 27 in view of Ott combined with Schaefer.

Allowable Subject Matter

6. Claims 18, 19, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 18 and 19, the primary reason for allowance of the claims is the inclusion of a body defining an inner cavity with an opening for insertion of the ferrule within the cavity, the opening including a tapered entry and a ledge positioned between an inner end of the tapered entry and an inner wall of the cavity, the ledge defining an opening smaller than the

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the ferrule and the cavity having a diameter generally the same diameter as the ferrule.

Regarding claim 29, the primary reason for allowance of the claims is the inclusion of an inner ledge adjacent an insertion end of the plug, the inner ledge configured to deform to fit about and engage the ferrule.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

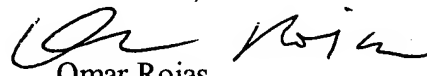
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (12:00PM-8:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number

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for regular and After Final communications is (571) 273-8300. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Omar Rojas
Patent Examiner
Art Unit 2874

or
May 5, 2006



AKM ENAYET ULLAH
PRIMARY EXAMINER